

## DUNDEE CITY COUNCIL

### CONSULTATION REPORT

#### Closure of Law Nursery

It is proposed that all eligible nursery aged children will access alternative nursery provision from August 2023

This Consultation Report is available on the Dundee City Council website – <https://www.dundeeccity.gov.uk/school-learning-estate-formal-consultation> - and also in printed form from affected schools or at a public library or some other suitable place within the vicinity of the school.

#### 1.0 BACKGROUND

- 1.1 In 2021, the Council was notified that the Landlord, The Diocese of Dunkeld were exercising their option to terminate the lease of the land occupied by Law Nursery on 11<sup>th</sup> November 2022, as it intended to dispose of the whole Lawside campus for development. Formal notice was served upon Dundee City Council regarding the existing lease of the site. As the property was of modular construction and in poor condition, a review has been carried out to consider all options.
- 1.1.1 The lease has now been modified such that it would no longer terminate on 11<sup>th</sup> November 2022 but would now terminate on 25/08/23 to allow a formal consultation to be completed. The Diocese has intimated to the Council that they require the site back to facilitate possible future development, it is the Diocese intention to vacate the entire convent site.
- 1.1.2 Should the nursery be closed, we are required to return the land to its previous state. Appropriate work will be undertaken to demolish and remove the nursery accommodation following any closure. The work required has been agreed with the Diocese.
- 1.1.3 It should be noted that overall estate rationalisation/financial efficiency work is currently being undertaken by Dundee City Council. The closure of Law Nursery will result in a financial saving which was acknowledged within the template contain in the closure consultation proposal paper. This saving has been taken within the recent budget report.
- 1.1.4 Education Authorities have a statutory duty in terms of the Education (Scotland) Act 1980 to make adequate and efficient provision of school education which includes early learning and child care across their area. This duty applies in respect of both the current nursery population and anticipated pattern of demand.
- 1.1.5 Councils have a statutory duty to secure best value in terms of the Local Government in Scotland Act 2003. Most importantly, the Education Authority would wish to optimise the early years early learning and childcare experience for every child by providing provision that offers:
- High quality
  - Flexibility
  - Accessibility

To achieve best value and optimum efficiency, the organisation of the service estate is therefore kept under regular review, including the need for nursery provision and other factors.

- 1.1.6 At the meeting of the Children and Families Service Committee on 31 October 2022 (report no. 277-2022 refers), elected members instructed the Executive Director of Children and Families Services to formally consult on the closure of Law Nursery.

## 1.2 Current position

- 1.2.1 Dundee City Council have been served notice by the Diocese of Dunkeld on their current lease.
- 1.2.2 A review of nursery provision was undertaken, and it confirmed suitable capacity exists to accommodate current and projected future demand for nursery places without the 70 places provided by Law Nursery.
- 1.2.3 In considering all the options for the future of the nursery, including its potential closure, the service has engaged with families to consider current and alternative early years provision. This operational decision was necessary to avoid any additional transition or impact upon children, parents and staff should Law Nursery close.
- 1.3 As a result of the committee decision, the Executive Director carried out the consultation procedures in terms of the Schools (Consultation) (Scotland) Act 2010 in respect of the proposal. The consultation programme is detailed in paragraph 2.1 below, and a summary of the main points raised is set out in section 3.
- 1.4 A report from Education Scotland is required under the terms of the Act to address the educational aspects of the proposal. The report is attached as Appendix 1.
- 1.4.1 The report states that, *“HM Inspectors agree that Dundee City Council has considered potential options and set out clearly how they intend to manage the closure of Law Nursery. Almost all stakeholders agree with the council’s proposals and felt the potential closure is inevitable. HM Inspectors agree that children should experience similar educational benefits to those at Law Nursery at other ELC provision in the city. Should this proposal be agreed, the council will need to continue to support staff, parents and children through the changes that will result. HM Inspectors recommend that the council continues to engage with parents to provide reassurance concerning the capacity of ELC provision. This will support the council in meeting its commitment to ensure no children or families are disadvantaged as part of the closure”.*
- 1.4.2 *“Parents and staff who met with HM Inspectors agree with the proposal to permanently close Law Nursery. They believe that the decision is out with council control due to the land being owned by the diocese. A few parents expressed concern about future capacity of their choice of ELC setting. Staff expressed concern about their transfer to other ELC settings and the loss of well-established working relationships with their colleagues. The council believes sharing the practice, skills and experience from Law Nursery staff will augment existing positive experiences of children across the city. All parents that met with HM Inspectors shared that their children receive high quality and nurturing learning experiences at Law Nursery.”*
- 1.4.3 The Executive Director has carefully considered the implications arising from stakeholders from the consultation process and the Education Scotland report - in particular, where the report highlights specific issues raised during the consultation period. It should be noted that the report and the general response to the proposal was positive. Having reviewed the proposal in light of the representations and the Education Scotland report, it is clear that any highlighted issues were either identified in the proposal or are referred to directly in this consultation report. Children and Families Service will continue to support staff, parents and children through any changes that will result and continue to engage with families to provide reassurance concerning the capacity of ELC provision. This will support Dundee City Council in meeting its commitment to ensure no children or families are disadvantaged as a result of a closure.

## 2.0 CONSULTATION

2.1 Consultation was undertaken between 7 November and 20 December 2022.

The formal consultation procedure included: Notice was given on or before 7 November 2022

- giving notice of the proposals to the Parent Council of the affected schools
- giving notice of the proposals to the parents of pupils at the affected schools, and the parents of pupils expected to attend the affected schools within two years of the date of publication of the proposal paper
- giving notice of the proposals to the pupils at the affected schools
- giving notice of the proposals to the staff at the affected schools
- giving notice of the proposals to Trades Unions representing staff at the affected schools
- giving notice of the proposals to relevant Community
- giving notice of the proposal to Local Community Planning Partnerships
- publication of the proposal on the Dundee City Council website
- an announcement of the proposal in the local press and relevant social media, inviting any person to make written representation to the Executive Director
- public meeting in the local area

2.2 A summary note of all meetings held during the consultation period outlining questions asked is attached as Appendix 2 and the Children and Families Service responses have been added.

2.3 One representation was received on the proposal during the consultation period. This was complimentary of the nursery and their children's experience there, they were against the possible closure due to the proximity of other nurseries. A thematic summary of written submission received is attached as Appendix 3.

2.4 In accordance with the Schools Consultation (Scotland) Act 2010, copies of all written representations and 'Frequently Asked Questions/Comments' were required to be submitted to Education Scotland for their consideration in the preparation of their report.

## 3.0 MAIN ISSUES ARISING FROM THE CONSULTATION, WITH RESPONSES

3.1 The main issue of note arising from the consultation was:

- *The proximity of other nurseries within the area and potential travelling distance.*

### 3.1.1 The proximity of other nurseries within the area and potential travelling distance.

*Unlike primary and secondary schools, early education and childcare settings do not have catchment areas and are located across the city. Adequate provision remains to meet the existing and future needs of families in Dundee and the service continually work with parents/carers to identify their first, second and third choice of nursery at the point of application. When these choices cannot be accommodated, the Central team work with families on an individual basis to secure a funded place within the City.*

#### 4.0 CONCLUSION AND NEXT STEPS

- 4.1 Having reviewed the Education Scotland Report and looked at the consultation responses in detail including those issues raised at the public meeting, it is recommended that the proposal to close Law Nursery should go forward.
- 4.2 Children and Families Service will continue to support staff, parents/carers and children through the changes that may result from the closure of Law Nursery.
- 4.3 Children and Families Service will maintain engagement with parents/carers to provide reassurance regarding any concerns in relation to the capacity of ELC provision.
- 4.4 As this proposal relates to the closure of a school, the council must notify Scottish Ministers within six working days after taking its decision to implement a closure proposal. Dundee City Council must also publish on its website the fact it has notified Scottish Ministers of this decision and the period in which consultees have the opportunity to make representations to Ministers asking for the proposal to be called in. Ministers have the power to call in proposals, but only where it appears to Ministers that the council has failed in significant regard to comply with the Act's requirements or, in coming to its decision, has failed to take account of material consideration relevant to the proposal. Ministers have up to 8 weeks from the date of the council's decision to decide whether or not to issue a call-in notice.
- 4.5 In accordance with paragraph 4.4 above anyone wishing to make representations to the Scottish Ministers should do so within the first 3 weeks of the 8 week call in period by emailing [schoolclosure@gov.scot](mailto:schoolclosure@gov.scot)

or by letter

Scottish Government  
School Infrastructure Unit  
Area 2B North  
Victoria Quay  
Edinburgh EH6 6QQ

Audrey May     Executive Director of Children and Families Service

March 2023

APPENDIX 1



# **Schools (Consultation) (Scotland) Act 2010**

**Report by Education Scotland addressing educational  
aspects of the proposal by Dundee City Council to close  
permanently Law Nursery.**

January 2023

## Introduction

1.1 This report from Education Scotland has been prepared by His Majesty's Inspectors of Education (HM Inspectors) in accordance with the terms of the [Schools \(Consultation\) \(Scotland\) Act 2010](#) ("the 2010 Act"). The purpose of the report is to provide an independent and impartial consideration of Dundee City Council's proposal to permanently close Law Nursery. Section 2 of the report sets out brief details of the consultation process. Section 3 of the report sets out HM Inspectors' consideration of the educational aspects of the proposal, including significant views expressed by consultees. Section 4 summarises HM Inspectors' overall view of the proposal. Upon receipt of this report, the Act requires the council to consider it and then prepare its final consultation report. The council's final consultation report should include this report and must contain an explanation of how, in finalising the proposal, it has reviewed the initial proposal, including a summary of points raised during the consultation process and the council's response to them. The council has to publish its final consultation report three weeks before it takes its final decision. Where a council is proposing to close a school, it needs to follow all statutory obligations set out in the 2010 Act, including notifying Ministers within six working days of making its final decision and explaining to consultees the opportunity they have to make representations to Ministers.

1.2 HM Inspectors considered:

- the likely effects of the proposal for children of the school; any other users; children likely to become pupils within two years of the date of publication of the proposal paper; and other children in the council;
- any other likely effects of the proposal;
- how the council intends to minimise or avoid any adverse effects that may arise from the proposal; and
- the educational benefits the council believes will result from implementation of the proposal, and the council's reasons for coming to these beliefs.

1.3 In preparing this report, HM Inspectors undertook the following activities:

- attendance at the public meeting held on 24 November 2022 in connection with the council's proposal;
- consideration of all relevant documentation provided by the council in relation to the proposal, specifically the educational benefits statement and related consultation documents, written and oral submissions from parents and others; and
- visits to the site of Law Nursey School, including discussion with relevant consultees.

## Consultation process

2.1 Dundee City Council undertook the consultation on its proposal(s) with reference to the [Schools \(Consultation\) \(Scotland\) Act 2010](#).

2.2 The consultation period ran from 7 November to 20 December 2022. The council made copies of the proposal available to the public through publication on the council's website. Information about the proposal was made available to stakeholders including staff, children, parents and carers of the nursery school affected by the proposal. The council consulted with children and staff. Dundee City Council also consulted two Local Community Planning Partnerships attended by 17 community representatives and elected members. All were in support of the proposal.

2.3 Three stakeholders attended the public meeting on 24 November 2022. The council received one written submission. Stakeholders were concerned about the travelling distances and the potential negative impact this may have on parents. They were positive about the nursery and their children's experiences there. They are sad that the nursery may close, although believe closure is inevitable.

### **Educational aspects of proposal**

3.1 The Diocese of Dunkeld owns the land on which Law Nursery is situated. The diocese is selling this land and has served notice to Dundee City Council. There is no option for the council to purchase the land which is currently leased. As a result, the council undertook a review of its early learning and childcare (ELC) provision. The council found that if the proposal to close Law Nursery is accepted, sufficient capacity exists across its nursery estate to accommodate future demands. To avoid additional transition and potential negative impact for children, the council did not offer places in Law Nursery for ante pre-school children year in 2022. Council staff supported parents to consider and find alternative places for these children. There are currently 21 children in their pre-school year at Law Nursery. A majority of these children will still be four years old in August 2023. If the council agrees to move forward with the proposal, there will be no children on the Law Nursery roll as of June 2023. Should parents of eligible children decide to defer the school placement, the council will work with them to secure alternative ELC provision.

3.2 It is the view of HM Inspectors that Dundee City Council have set out an appropriate case in support of its proposal to permanently close Law Nursery. The council highlight that the expansion of children's entitlement to 1140 hours of funded ELC increase the overall capacity and range of flexible delivery models across the city. Families will be able to access alternative ELC provision. It is the view of HM Inspectors that children will continue to experience similar educational benefits in the nursery or school that they transition to.

3.3 Parents and staff who met with HM Inspectors agree with the proposal to permanently close Law Nursery. They believe that the decision is out with council control due to the land being owned by the diocese. A few parents expressed concern about future capacity of their choice of ELC setting. Staff expressed concern about their transfer to other ELC settings and the loss of well-established working relationships with their colleagues. The council believes sharing the practice, skills and experience from Law Nursery staff will augment existing positive experiences of children across the city. All parents that met with HM Inspectors shared that their children receive high quality and nurturing learning experiences at Law Nursery.

### **Summary**

HM Inspectors agree that Dundee City Council has considered potential options and set out clearly how they intend to manage the closure of Law Nursery. Almost all stakeholders agree with the council's proposals and felt the potential closure is inevitable. HM Inspectors agree that children should experience similar educational benefits to those at Law Nursery at other ELC provision in the city. Should this proposal be agreed, the council will need to continue to support staff, parents and children through the changes that will result. HM Inspectors recommend that the council continues to engage with parents to provide reassurance concerning the capacity of ELC provision. This will support the council in meeting its commitment to ensure no children or families are disadvantaged as part of the closure.

**HM  
Inspectors  
January  
2023**

## APPENDIX 2

**School Estate Proposals****FORMAL CONSULTATION ACTIVITY****Engagement Session with Law Nursery staff Venue : Law Nursery****1<sup>st</sup> December 3pm**

**Officers:** Gordon Laidlaw, Education Officer (GL), Lesley Gibb, Education Manager (LG)  
Heather Ross, Nursery Head Teacher (HR).

**Other Attendees:** 7 individuals attended the session, those represented were school staff

All conversations during the session took place in relation to Children and Families Service school estate proposal, the formal consultation undertaken between 7 November and 20 December 2022.

**Key observations/questions raised:**

**An overview of the proposal was given by G. Laidlaw and L. Gibb.**

There were no direct comments or views shared by those in attendance on the proposal, they had been previously briefed and supported in respect to the impacts upon them as staff. L Gibb re-iterated that she was on this journey with her staff to make sure they are supported over the coming months, . The children will remain at the nursery until the summer and various protocols will follow, should the decision be made to close the nursery, this will be led by colleagues within city development in respect to the closing of the building and transfer of any equipment or materials.

Meeting closed at 3.15pm





## School Estate Proposals

### FORMAL CONSULTATION ACTIVITY

Engagement Session with Law Nursery Children Venue : Law Nursery

6<sup>th</sup> December 9:30am

**Officers:** Gordon Laidlaw, Education Officer (GL).

**Other Attendees:** 9 children were involved in the session.

All conversations during the session took place in relation to Children and Families Service school estate proposal, the formal consultation undertaken between 7 November and 20 December 2022.

#### **Key observations/questions raised:**

##### **What do you like about Law Nursery.**

Playing with friends on the climbing frame.  
 Cooking in our nursery.  
 Playing on the climbing frame.  
 Watching picture of us on TV.  
 Going on the slide and getting to play outside.  
 Climb in the sandpit  
 Making decorations  
 Playing with dinosaurs  
 Animals in the den (toy safari)  
 Playing with friends – what's the time Mr Wolf  
 Special treat to sit on the sofa.  
 We love everyone in nursery.  
 Learning to ride pedal bikes  
 Making pies, pumpkin, apple and strawberry.

##### **What would you miss.**

Yoga in the mornings  
 Making food and eating it at the table.  
 Trips up to the Law hill  
 Going on the Miley trail  
 Playing on the tree's in the garden  
 Playing on the computer and researching stuff like fly's, bugs and centipedes

##### **What would you want or take with you to another nursery.**

Having a sandpit  
 Lots of dinosaurs

We like books, we have lots here, we would need lots of them in another nursery.  
Tree's and a garden.  
It needs a studio (arts and crafts table)  
Lego.



## School Estate Proposals

### FORMAL CONSULTATION ACTIVITY

Engagement Session Public Meeting Venue : Law Nursery

24<sup>th</sup> November 6pm

**Officers: Gordon Laidlaw, Education Officer (GL, Audrey May Executive Director (AM), Lesley Gibb, Education Manager (LG) Heather Ross, Nursery Head Teacher (HR).**

#### Other Attendees: 3

All conversations during the session took place in relation to Children and Families Service school estate proposal, the formal consultation undertaken between 7 November and 20 December 2022.

Education Scotland were represented at the meeting.

The proposals regarding the potential closure were shared and details discussed prior to the floor being opened to any questions:

Question: was there an option to buy the site.

Answer: Lots of meetings took place but the plan and decision lay with the diocese. Unfortunately selling to council was not part of their plan and were not willing to do so.

Comment: I could see it coming, it was inevitable once the convent and conference centre began to close down.

Question: What are the plans for families that can't travel?

Answer: Provision is across the city, the admissions process facilitates 3 choices and we always look to try and provide families first choice but in individual circumstances officers work with individual families to find solutions.

Question: Would transport be offered for families who have no other way to get to the other nurseries.

Answer: The nursery comes down to families choice, we are meeting our statutory obligations and places are provided, it just might not be so local for some.

Comment: Families in the past got together to support one another with nursery transport, one example they used a minibus, but unfortunately the council do not provide this.

Comment: It's been the best nursery in the world, the staff and work they have done have made it a wonderful experience for children.

Comment: The Law model is our Vision across all nurseries in the city.

Meeting closed 6:30pm



### School Estate Proposals

#### FORMAL CONSULTATION ACTIVITY

**Engagement Sessions Lochee LCPP Venue : Lochee High St Hub**

**22<sup>nd</sup> November 2pm**

**Officers: Gordon Laidlaw , Education Officer (GL), Mike Welsh Communities Officer (MW), Michael McLaughlin Senior Manager Capital Projects (Chair) (ML)**

**Other Attendees: Councillor Smith, Councillor Toland, 8 attended the session, those in attendance were communities representatives and councillors.**

All conversations during the session took place in relation to Children and Families Service school estate proposal, the formal consultation undertaken between 7 November and 20 December 2022.

#### **Key observations/questions raised:**

G. Laidlaw firstly provided an update on matters relating to previous matters related to another consultation. He explained that it was likely that a report would go to the Children & Families Committee in 2023.

G. Laidlaw then reported on the proposal for the closure of Law Nursery School i.e. The Diocese of Dunkeld own the site and is in the process of selling this asset. There was a discussion held on the age of the facility and the condition of the existing buildings.

A question was raised on the timescale for closure and G. Laidlaw added that the identified date for closure was July 2023. The LCPP members discussed this and concluded that this measure to seek closure seemed reasonable.

Members considered the implications of the closed building and short period of time in may lie vacant should the proposal go ahead. Relevant members acknowledged higher presence/awareness of the building would be helpful prior to its removal should the nursery close.



### **School Estate Proposals**

#### **FORMAL CONSULTATION ACTIVITY**

**Engagement Sessions Coldside LCPP Venue : Hilltown Community Hub**

**22<sup>nd</sup> November 3:30pm**

**Officers: Gordon Laidlaw , Education Officer (GL), , Lesley Gibb, Education Manager (LG) Elaine Pratt, Communities officer (EP)**

**Other Attendees:** 9 attended the session, those in attendance were **communities representatives and councillors.**

All conversations during the session took place in relation to Children and Families Service school estate proposal, the formal consultation undertaken between 7 November and 20 December 2022.

#### **Key observations/questions raised:**

L. Gibb and G. Laidlaw tabled a paper relating to the closure of Law Nursery. The discussion at the LCPP was part of the formal consultation. The proposal to close the nursery has come as a result of the diocese selling the convent and land.

Noted that the nursery will close in Summer 2023 and that any children needing a place will be accommodated in other nurseries across the city. The consultation will close on 20th December with a report going to committee in spring 2023.

Members of the Forum acknowledged that DCC had done due process in ensuring places for those affected and that their hands were tied in relation to the land being sold.

### **APPENDIX 3**

#### **Thematic Summary of Submissions Received in relation to the proposal from Parents/Carers and Residents**

##### **Submissions: 1**

1 written submission was received, this was complimentary of the nursery and their children's experience, they were against the possible closure because of the proximity of other nurseries.

##### **Themes - Emergent themes from all submissions and meetings included:**

- *Proximity of other nurseries within the area*
- *The positive experiences and skilled nature of staff*
- *The value of Law nursery's contribution to families over the years*
- *The council having been well planned and considerate given circumstances.*
- *The efforts made to support families and staff given the potential change and transition.*